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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1648
LASSEN, et al.) Examiner: MOSHER, M.
Serial No.: 09/978,272) Washington, D.C.
Filed: October 17, 2001) Date: June 24, 2003
For: ASSAY FOR DIRECTLY DETECTING A) Docket No.: LASSEN-2A
RS VIRUS RELATED BIOLOGICAL CELL) Confirmation No.: 4444
IN A BODY FLUID SAMPLE)

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

U.S. Patent and Trademark Office 06/27/2003 SZEWIDIEI 00000107 09978272

2011 South Clark Place 01 FC:2401 160.00 OP
Customer Window, Mail Stop AF 02 FC:2253 410.00 OP
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated December 24, 2002 of the Primary Examiner. The claims appealed are 1-43, and, if entered, 45-58. Claims 45-58 were added by the after final amendment filed April 24, 2003.

The item(s) checked below are appropriate:

- Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- The fee has been calculated as shown below:
\$320.00
 \$160.00 (small entity)
 Not required (fee paid in prior appeal)
- Conditional Petition for Extension of Time
If any extension of time for a response is required applicant requests that this be considered a petition therefor.
- Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Response filed within: first - \$ 55.00 second - \$205.00 <input checked="" type="checkbox"/> third - \$465.00 <input type="checkbox"/> fourth - \$725.00	Response filed within: first - \$ 110.00 second - \$ 410.00 <input type="checkbox"/> third - \$ 930.00 <input type="checkbox"/> fourth - \$1,450.00
month after time period set.	
<input checked="" type="checkbox"/> Less fees (\$55.00) already paid for one month extension of time on April 24, 2003.	

- Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$570.00 is attached.
- Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

~~Application date: 09/978,272
06/27/2003 EXAMINER: MOSHER, M.
02-4035~~

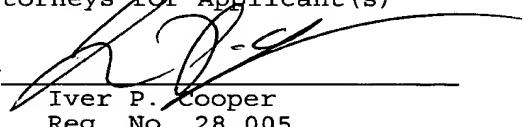
Refund Ref: 0030011924
06/27/2003
Credit Card Refund Total: \$160.00

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01 FC:2401 160.00 OP
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02 FC:2253 410.00 OP

XX The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

Respectfully submitted,

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